

## SENATE BILL No. 442

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-6-1.1.

**Synopsis:** Railroad safety division chief. Creates the railroad safety division within the Indiana department of transportation. Provides for the appointment of a railroad safety division chief by the commissioner of the Indiana department of transportation.

**Effective:** July 1, 1999.

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January 13, 1999, read first time and referred to Committee on Transportation and Interstate Cooperation.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 442

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-6-1.1 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]:
- 4 **Chapter 1.1. Railroad Safety Division**
- 5 **Sec. 1.** As used in this chapter, "commissioner" refers to the
- 6 **commissioner of the Indiana department of transportation.**
- 7 **Sec. 2.** As used in this chapter, "department" refers to the
- 8 **Indiana department of transportation.**
- 9 **Sec. 3.** As used in this chapter, "division" refers to the railroad
- 10 **safety division created under section 5 of this chapter.**
- 11 **Sec. 4.** As used in this chapter, "division chief" refers to the
- 12 **railroad safety division chief appointed under section 6 of this**
- 13 **chapter.**
- 14 **Sec. 5. (a)** There is created the railroad safety division within the
- 15 **department.**
- 16 **(b)** The division shall be administered by the division chief
- 17 **appointed under section 6 of this chapter.**



1       **Sec. 6. The commissioner shall appoint a division chief.**

2       **Sec. 7. (a) The division chief must have knowledge of the**  
 3 **following:**

4           **(1) Railroad safety issues.**

5           **(2) The legal system.**

6           **(3) Dispute or problem resolution techniques, including**  
 7 **investigation, mediation, and negotiation.**

8       **(b) An individual may not be appointed division chief who is:**

9           **(1) an employee of a railroad; or**

10          **(2) a lobbyist (as defined in IC 2-2.1-3-1) for a railroad;**  
 11 **within three (3) years preceding the individual's appointment as**  
 12 **division chief.**

13       **(c) The division chief and a member of the division chief's**  
 14 **immediate family may not have had a pecuniary interest in a**  
 15 **railroad within three (3) years preceding the commissioner's**  
 16 **appointment of the division chief.**

17       **Sec. 8. The division chief has the following powers and duties:**

18           **(1) Administer the division.**

19           **(2) Coordinate the activities of the division's planning and**  
 20 **grant section, regulatory section, and engineering section to**  
 21 **further the objective of fostering safety measures at railroad**  
 22 **crossings.**

23           **(3) Receive copies of all complaints that the department**  
 24 **receives from citizens, interest groups, and local government**  
 25 **entities in regard to dangerous or hazardous railroad**  
 26 **crossings, and immediately investigate those crossings.**

27           **(4) Compile research in regard to what other states have done**  
 28 **concerning railroad crossing safety measures. Report to the**  
 29 **general assembly and to the governor the research findings**  
 30 **and how similar safety measures could be implemented in**  
 31 **Indiana.**

32           **(5) Negotiate with railroads concerning railroad crossing**  
 33 **safety projects.**

34           **(6) Supervise railroad safety projects in an effort to ensure**  
 35 **compliance with applicable statutes, rules, orders, directives,**  
 36 **and contracts.**

37           **(7) Employ the personnel necessary to carry out the functions**  
 38 **of the office.**

39       **Sec. 9. The division consists of the following sections:**

40           **(1) The planning and grant section.**

41           **(2) The engineering section.**

42           **(3) The regulatory section.**



1       **Sec. 10. The responsibilities of the regulatory section include the**  
 2 **following:**

- 3       (1) Approving the construction of new railroad crossings.
- 4       (2) Ordering the modification and closing of railroad
- 5       crossings.
- 6       (3) Ordering railroads to take action for the safety of
- 7       employees and citizens.
- 8       (4) Assisting the division chief with the duties enumerated in
- 9       section 8 of this chapter.
- 10      (5) Undertaking department responsibilities related to 105
- 11      IAC.

12       **Sec. 11. The responsibilities of the planning and grant section**  
 13 **include the following:**

- 14      (1) Planning for high speed and passenger rail.
- 15      (2) Processing grants from the industrial rail service fund
- 16      created under IC 8-3-1.7-2.
- 17      (3) Approving passive railroad crossings for the railroad
- 18      grade crossing fund created under IC 8-6-7.7-6.1.
- 19      (4) Assisting the division chief with the duties enumerated in
- 20      section 8 of this chapter.
- 21      (5) Compiling statistical and analytical reports related to
- 22      railroad safety and operations.

23       **Sec. 12. The responsibilities of the engineering section include**  
 24 **the following:**

- 25      (1) Implementing federal aid funds for railroad grade
- 26      crossings.
- 27      (2) Supervising preliminary engineering work for
- 28      construction and modification of railroad crossings.
- 29      (3) Designing and approving active warning devices for
- 30      railroad grade crossings.
- 31      (4) Assisting the division chief with the duties enumerated in
- 32      section 8 of this chapter.
- 33      (5) Coordinating programming related activities for the
- 34      implementation of federal funds related to rail crossing safety.

35       **SECTION 2. [EFFECTIVE JULY 1, 1999] (a) As used in this**  
 36 **SECTION, "division chief" refers to the division chief of the**  
 37 **railroad crossing safety division appointed under IC 8-6-1.1-6, as**  
 38 **added by this act.**

39       (b) The commissioner of the Indiana department of  
 40 transportation shall conduct a national search for prospective  
 41 candidates for appointment to the position of division chief.

42       (c) The division chief is entitled to receive an annual salary of



1      **not less than sixty thousand dollars (\$60,000).**

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